REMARKS

In the Office Action mailed May 15, 2006, claims 1-16 were rejected under nonstatutory obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 6,935,224; claims 1-16 were rejected under 35 U.S.C. 102(a) as being anticipated by Lee (KR2002-0057012); and claim 1 was rejected under 35 U.S.C. 102(b) as being anticipated by Hedenberg (U.S. Patent No. 5,947,009). The foregoing rejections are respectfully traversed.

Claims 1 and 8 have been amended. Support for the claim amendments can be found at paragraph [0023] of the specification.

Claims 1-16 are currently pending and under consideration. Reconsideration is respectfully requested.

In response to the double patenting rejection, the Applicants request that a submission of a terminal disclaimer be held in abeyance until the allowance of claims in the application.

Regarding the 102 rejections:

Claim 1 has been amended to recite "a controller which controls a number of rotations of the upper kneading drum by controlling the driver, so that exposure of the upper opening parts of the mixing bag to the inside of the oven compartment is prevented during a kneading process, wherein the number of rotations of the upper kneading drum varies according to a distance between the upper and lower kneading drums".

Lee fails to disclose all of the features recited in amended claim 1, for example. Instead, Lee discusses a baking machine controlling a drive of the kneading drums during the kneading process to prevent the sealing pack from being separated from the kneading drums (see pages 3 and 18 of the Translation). Further, Lee discusses a bar code scanner reads a bar code attached to the sealing pack and transfers it to a control part, and the control part controls the drive of the kneading drums, i.e., the rotating position of the kneading drums based upon the read bar code (see first paragraph on page 5 of the Translation).

Lee fails to recite "upper and lower kneading drums **holding upper and lower parts of a mixing bag whose side edges have upper opening parts and lower sealed parts**, respectively" as recited in amended claim 1, for example. In addition, Lee fails to discuss "**a controller which controls a number of rotations of the upper kneading drum ... so that exposure of the upper opening parts of the mixing bag to the inside of the oven compartment is prevented ... wherein the number of rotations of the upper kneading drum varies according to a distance between the upper and lower kneading drums**, " as also recited in amended claim 1, for example.

Hedenberg discusses a baking apparatus having a mixbag therein (see Abstract). The mixbag includes two upper edges 52 and 54 and one bottom edge portion 50, which bottom edge portion is permanently sealed as are the longitudinal edges 48 running between the upper and the bottom edges (see column 4, lines 66-67 – column 5, line 7; and FIG. 6, for example). The seal in the bottom edge forms a reinforced bottom edge portion 50 and the top edge portions 52 and 54 are reinforced as shown in FIG. 7, for example. Therefore, the mixbag of Hedenberg fails to include "**upper and lower parts of a mixing bag whose side edges have upper opening parts and lower sealed parts**," as recited in claim 1, for example.

Further, Hedenberg discusses the mixbag including a burstable seal 46 which defines two compartments in the mixbag, the lower compartment between seals 46 and 47 being hermetically sealed and containing dry ingredients, and above seal 46 being openable so that the user can place water therein (see column 5, lines 16-18; and FIG. 6, for example). Further, the baking apparatus is actuated so as to slightly lower the mixbag so that an upper reinforced portion 54 can be placed in a slit on the upper roll 14 to permit access to the upper portion of the mixbag which is then filled with water. When beginning the baking process, the baking apparatus completes a reciprocating motion to force the water from the upper portion of the mixbag against the burstable seal 46 to hydrate the dry ingredients (see column 5, lines 27-50). Like Lee, Hedenberg also fails to discuss "**a controller which controls a number of rotations of the upper kneading drum ... so that exposure of the upper opening parts of the mixing bag to the inside of the oven compartment is prevented ... wherein the number of rotations of the upper kneading drum varies according to a distance between the upper and lower kneading drums**," as recited in amended claim 1, for example.

The Applicants respectfully submit that the teachings of the references relied upon are fundamentally different from that of the present invention.

Thus, withdrawal of the rejections of the claims is respectfully requested.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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